BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)
	)
Paul A. LOVVIK et al.	) Group Art Unit: 2164
	)
Application No.: 10/051,277	) Examiner: S. R. Pannala
	)
Filed: January 22, 2002	)
	)
For: METHOD AND APPARATUS	) Confirmation No.: 7605
FOR PROCESSING A	)
STREAMED ZIP FILE	)

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Commissioner for Patents
P.O. Box 1450
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Sir:

REPLY BRIEF UNDER BOARD RULE § 41.41

This Reply Brief is submitted to respond to arguments first raised in the

Examiner's Answer dated May 1, 2007.

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REMARKS

Claims 1-19 remain pending in this application.

In the Answer, the Examiner withdraws the rejection of claims 1-19 under 35 U.S.C. § 101 (Answer, p. 3, ll. 12-13), but maintains the rejection of claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over Hendler et al. in view of Basin et al. (id. at p. 3, ll. 14-16).

The rejections set forth in the Examiner's Answer are substantially identical to the rejections set forth in the Final Rejection mailed September 5, 2006. Appellants addressed these rejections in the Appeal Brief filed January 5, 2007. Appellants present the following Reply to the additional arguments set forth in the Examiner's Answer. As explained below, the Examiner's arguments fail to cure the deficiencies in the above rejections pointed out in the Appeal Brief. Accordingly, Appellants respectfully request that the Board reverse the Examiner's rejections of claims 1-19 under 35 U.S.C. § 103(a).

A.   The rejection of independent claim 1 and dependent claims 2-4 under 35 U.S.C. § 103(a) must be reversed because Hendler et al. and Basin et al. fail to support the rejection of claim 1, which recites, among other things, "receiving a stream of data containing an un-extracted zip file, wherein the zip file comprises a set of files and a central directory; and enabling a process to access contents of the central directory as the central directory is received."

The Examiner argues that "Appellant has been misinterpreting the term 'extracts' or 'extracted' from the Hendler reference . . . ." However, this is not the case. Rather, it is the Examiner who has been ignoring the term "un-extracted" in Appellants claims.

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With respect to claim 1, for example, the Examiner asserts that "[t]he claim['s] first limitation is - receiving a stream of data containing a zip file, where the zip file comprises a set of files and a central directory." Answer, p. 16, ll. 13-14. However, this misstates the language of the first paragraph of claim 1, which recites, "receiving a stream of data containing an *un-extracted* zip file, wherein the zip file comprises a set of files and a central directory." Claim 1, ll. 2-3 (emphasis added). This omission is significant in that the Examiner further asserts that:

> Hendler *teaches this* [first] *limitation* as Archive files can be streamed by *extracting* modules to client terminal 410 . . . . Additionally, "Archive file such as CAB, tar, BINHEX, and ZIP files, including ZIP formatted Java Archive (JAR) files, can be streamed by *extracting* modules of data from the archive files and streaming those modules to a client terminal."

Answer, p. 16, ll. 14-20 (quoting Hendler et al., ¶ 0067).

As the Examiner elsewhere admits, "Hendler does not explicitly teach receiving an unextracted zip file." Examiner's Answer, p. 15, l. 4. Instead, as pointed out in Section VII(B) of the Appeal Brief, Hendler et al. discloses that the JAR (ZIP) file 600 is streamed "as a series of separate modules by *extracting* the ZIP central directory 640, as well as the individual files and their associated headers 631-636, and streaming each of these [extracted] elements 631-636, 640 separately." Hendler et al., ¶ 0073, ll. 2-7 (emphasis added). Thus, the central directory record 640 of Hendler et al. is streamed, and therefore received, separately and in *extracted* form. Id.; see also id., ¶¶ 0009, 0067, and 0073-76.

The Examiner goes on to assert that Hendler et al. also teaches the "other limitation [of claim 1] - enabling a process to access contents of the central directory as

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the central directory is received." Answer, p. 17, ll. 5-6. In the method of claim 1, however, the zip file, which "comprises a set of files and a central directory" (Claim 1, ll. 2-3), is received in "un-extracted" form (id., l. 2). As explained above, the process by which Hendler et al. accesses the contents of the central directory requires that the central directory to be *extracted* prior to receipt. See id. at ¶¶ 0069, 0073-74 and 0076. Thus, Hendler et al. does not "enabl[e] a process to access contents of the central directory *as the central directory is received.*" Claim 1, ll. 4-5 (emphasis added).

Moreover, as pointed out in Section VII(B) of the Appeal Brief, Basin et al. teaches that "[w]hen files are dropped [(i.e., downloaded)] from archive to Explorer, Explorer requests available standard data formats. In this instance, the data object will need to uncompress the data." Basin et al., ¶ 0032, ll. 6-9. In order to access the contents of the individual files and/or folders archived in a zip file, "a user opens the zip file in Explorer ... and invokes the extract dialog, by selecting the Extract menu item in the right-click context menu. .... Alternatively, a user may select PKZIP | Extract Here to extract the contents of the archive into the directory where the zip archive resides." Id., ¶ 0037, ll. 1-8. Thus, like Hendler et al., Basin et al. does not "enabl[e] a process to access contents of the central directory *as the central directory is received.*" Claim 1, ll. 4-5 (emphasis added).

In a further attempt to equate Appellant's claims to the teachings of Basin et al., the Examiner asserts that "the [Appellant's] specification does not support the word 'un-extracted.'" Examiner's Answer, p. 18, ll. 5-6. However, the Examiner admits that "[Z]ip files [*per se*] are understood as inherently compressed (un-extracted) files . . . ." Id. at p. 15, ll. 9-10. Thus, one of ordinary skill in the art would understand the

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"streamed zip file" of Appellant's disclosure to be an example of un-extracted (<u>see, e.g.,</u> <u>Specification,</u> ¶¶ 004, 007, 017, 048 and 049), just as they would understand that, in <u>Basin et al.</u>, the central directory is accessed only *after* the zip file has been received *and extracted* by the user. <u>Basin et al.</u>, ¶ 0037, ll. 1-8.

Consequently, even if the artisan would have been motivated to modify <u>Hendler et al.</u> by streaming the JAR file in un-extracted form (which Appellants dispute), neither <u>Hendler et al.</u>, nor <u>Basin et al.</u>, nor their combination, teach a process for accessing the central directory "*as the central directory is received.*" Contrary to the Examiner's assertions, neither the <u>Hendler et al.</u> method nor the <u>Basin et al.</u> method is disclosed to access the contents of the central directory of a streamed un-extracted zip file as the central directory is received. For at least these reasons, <u>Hendler et al.</u> and <u>Basin et al.</u> fail to support the Examiner's rejection of claim 1, whether taken alone or in combination. Accordingly, Appellants respectfully request that the rejection of claim 1 under 35 U.S.C. § 103(a) be reversed and the claim allowed.

B.   The rejection of independent claims 5 and 11 and dependent claims 6-10 and 12-16 under 35 U.S.C. § 103(a) must be reversed because <u>Hendler et al.</u> and <u>Basin et al.</u> fail to support the rejection of these claims, which recite, among other things, a receiving module "for receiving a streamed un-extracted zip file," and an interface module "for accessing contents of a central directory of the streamed zip file as the central directory is received."

The Examiner asserts that the "first limitation [of claims 5 and 11] is - a receiving module, initiated by the application program, for receiving a streamed zip file." <u>Answer,</u> p. 21, ll. 20-21. Here again, the Examiner omits the term "un-extracted" when

characterizing the claims. For example, claim 5 recites "a receiving module, initiated by the application program, for receiving a streamed *un-extracted* zip file" (Claim 5, ll. 6-7), and claim 11 recites "a receiving module for receiving a streamed *un-extracted* zip file" (Claim 11, l. 5).

As explained above with respect to claim 1, and as the Examiner admits, "Hendler does not explicitly teach receiving an un-extracted zip file." Answer, p. 22, l. 12. Therefore, Hendler et al. also fails to teach "a receiving module ... for receiving a streamed *un-extracted* zip file." Claim 5, ll. 6-7 (emphasis added); see also Claim 11, l. 5.

The Examiner further relies on Hendler et al. to teach the "other limitation [of claims 5 and 11] - an interface module . . . for accessing contents of the central directory of the streamed zip file as the central directory is received." Answer, p. 23, ll. 4-6. In claims 5 and 11, however, the zip file, is received in "un-extracted" form (Claim 5, ll. 6-7; Claim 11, l. 5). As explained in Section A above, the process by which Hendler et al. accesses the contents of the central directory requires the central directory to be *extracted* prior to receipt. See Hendler et al. at ¶¶ 0069, 0073-74 and 0076. Thus, Hendler et al. fails to teach "an interface module ... for accessing contents of a central directory of the streamed zip file *as the central directory is received.*" Claim 5, ll. 8-10 (emphasis added); Claim 11, ll. 6-7 (emphasis added).

Moreover, as explained in Section A above, Basin et al. provides access to the central directory only *after* the entire zip file has been received and extracted by the user. Basin et al., ¶ 0032, ll. 6-9; ¶ 0037, ll. 1-8. Consequently, even if the artisan would have been motivated to modify Hendler et al. by providing a receiving module for

receiving a streamed un-extracted zip file (which Appellants dispute), neither

Hendler et al., nor Basin et al., nor their combination, teach "an interface module ... for

accessing contents of a central directory of the streamed zip file *as the central directory*

is received."

For at least these reasons, Hendler et al. and Basin et al. fail to support the

Examiner's rejection of claims 5 and 11. Accordingly, Appellants respectfully request

that the rejection of claims 5 and 11 under 35 U.S.C. § 103(a) be reversed and the

claims allowed.

C.   **The rejection of dependent claims 6 and 12 under 35 U.S.C. § 103(a) must be reversed because Hendler et al. and Basin et al. fail to teach that "the interface module is a Java class comprising a central header subclass and a central directory subclass."**

With respect to claims 6 and 12, the Examiner asserts that:

> Hendler teaches these claims at Fig. 6, page 9, paragraph 0084, as the streamed modules have a Java class comprising central directory headers 641 -646 and central directory 640 as subclasses. Further, Hendler teaches as the contents of each local file headers are repeated in a central directory 640 (Fig. 6. page 7, paragraph 0069).

Answer, p .24, ll. 16-20.

However, as pointed out in Section VII(E) of the Appeal Brief, the portions of

Hendler et al. cited by the Examiner describe *the streamed file*, itself, and not the

alleged interface. Hendler et al., ¶¶ 0069, 0084. Nowhere does Hendler et al. teach an

interface module "for accessing contents of a central directory of the streamed zip file as

the central directory is received," as recited in claims 5 and 11, "wherein *the interface*

module is a Java class comprising a central header subclass and a central directory subclass," as recited in claims 6 and 12 (emphasis added). Rather, as disclosed by Hendler et al., the "*extracted file* may be further subdivided before streaming. For example, [manifest] *file 601* may be a class file containing several Java classes. Individual classes may be extracted from the file 601 and streamed as separate modules." Hendler et al., ¶ 0084, ll. 1-5.

For at least these reasons, the Examiner's rejection of claims 6 and 12 lacks support in Hendler et al. and Basin et al., whether taken alone or in combination. Accordingly, Appellants respectfully request that the rejection of claims 6 and 12 be withdrawn and the claims allowed.

> D. **The rejection of independent claim 17 and dependent claims 18 and 19 under 35 U.S.C. § 103(a) must be reversed because Hendler et al. and Basin et al. fail to support the rejection of claim 17, which recites, among other things, "an interface ... for use with a receiver configured for receiving a streamed un-extracted zip file, wherein the zip file comprises a set of files and a central directory, the interface comprising a process for accessing contents of the central directory as the central directory is received."**

With respect to claim 17, the Examiner equates the receiving device 410 of Hendler et al. to the claimed "interface." Answer, p. 12, ll. 7-13 (citing Hendler et al., FIGS. 4 and 6; and ¶¶ 0073-0076). In claim 17, however, the interface is "for use with a receiver configured for receiving a streamed un-extracted zip file, wherein the zip file comprises a set of files and a central directory, the interface comprising a process for accessing contents of the central directory as the central directory is received." Claim 17, ll. 3-6.

As explained in Section A above, <u>Hendler et al.</u> discloses that the JAR (ZIP) file 600 is streamed "as a series of separate modules by *extracting* the ZIP central directory 640, as well as the individual files and their associated headers 631-636, and streaming each of these [extracted] elements 631-636, 640 separately." <u>Hendler et al.</u>, ¶ 0073, ll. 2-7 (emphasis added). Thus, as the Examiner admits (<u>Answer</u>, p. 28, l. 17), <u>Hendler et al.</u> fails to teach "receiving an un-extracted zip file." Therefore, contrary to the Examiner's assertions, <u>Hendler et al.</u> also fails to teach "an interface for use with a receiver configured to receive a streamed un-extracted zip file" (<u>Claim 17</u>, ll. 3-4) or "a process for accessing contents of [a] central directory *as the central directory is received*." <u>Claim 17</u>, ll. 5-6 (emphasis added).

Moreover, <u>Basin et al.</u> teaches that, in order to access the contents of the individual files and/or folders archived in a zip file, "a user opens the zip file in Explorer ... and invokes the extract dialog, by selecting the Extract menu item in the right-click context menu. .... Alternatively, a user may select PKZIP | Extract Here to extract the contents of the archive into the directory where the zip archive resides." <u>Id.</u>, ¶ 0037, ll. 1-8. Thus, like <u>Hendler et al.</u>, <u>Basin et al.</u> fails to teach "an interface for use with a receiver configured to receive a streamed un-extracted zip file" (<u>Claim 17</u>, ll. 3-4) or "a process for accessing contents of [a] central directory *as the central directory is received*." <u>Claim 17</u>, ll. 5-6 (emphasis added).

Consequently, even if the artisan would have been motivated to modify <u>Hendler et al.</u> by streaming the JAR file in un-extracted form (which Appellants dispute), neither <u>Hendler et al.</u>, nor <u>Basin et al.</u>, nor their combination, support the Examiner's

rejection of claim 17. For at least these reasons, Appellants respectfully request that the rejection of claim 17 under 35 U.S.C. § 103(a) be reversed and the claim allowed.
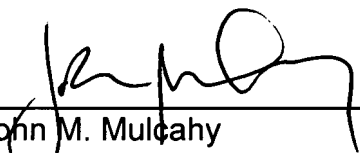
CONCLUSION

For at least the reasons given above, the Examiner's rejection of pending claims 1-19 lacks support in Hendler et al. and Basin et al., whether taken alone or in combination. Accordingly, Appellants respectfully request that the Examiner's rejections of claims 1-19 under 35 U.S.C.§ 103(a) be reversed and the claims allowed.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Reply Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: July 2, 2007   By:_____

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